



# DISABILITY NOTES

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TO OUR READERS: This special issue of *Disability Notes* communicates important information of interest to the disability community about recent developments related to work incentives. The Office of Disability works with a number of offices within SSA to bring the disability program to the public, and we work closely among ourselves and with all interested organizations and individuals to make the disability program meet the needs of America. The Deputy Commissioner for Disability and Income Security Programs, Dr. Susan M. Daniels, along with the new Associate Commissioner for Employment Support Services, J. Kenneth McGill, have been very instrumental in bringing about the programs and improvements covered in this edition. Their messages are below. I hope you will find the material informative and useful.

Kenneth Nibali  
Associate Commissioner of Disability

## FROM THE DEPUTY COMMISSIONER:

I was both fortunate and proud to be present at the signing of the Ticket to Work and Work Incentives Improvement Act (TWWIIA) of 1999 on December 17<sup>th</sup> at the FDR Memorial. At the cusp of a new century, it was a great moment for the American people. As Commissioner Kenneth Apfel stated, "The TWWIIA was not just a new law, but a new mission for SSA."

This new law marks the coming together of like-minded folks—from grassroots groups to national organizations—who shared a dream to provide employment equity and opportunities to individuals with disabilities. It was truly a wonderful personal experience to have been involved in this effort—a victory and realization of possibilities.

The provisions of this new law (Public Law 106-170) allow individuals with disabilities to retain their Medicare benefits longer than had been previously allowed. It removes limits on the Medicaid buy-in option for workers with disabilities. It modernizes the employment services system for people with disabilities and extends education and scientific research. The law in total is more than its provisions. This law actualizes the underlining principle of the Americans with Disabilities Act: that all

Americans should have the same opportunities to be productive citizens. It affords empowerment and basic dignity to individuals with disabilities. This special edition of *Disability Notes* is designed to inform and share with you additional details on the TWWIIA. The real work now begins to make the law achieve results in the lives of people with disabilities. There is plenty of hard work ahead with a real need to team with all of the organizations and individuals who are crucial to making this law effective.

SSA is committed to listening, learning and working with you through the regulatory process. We truly want to hear from individuals, national and local organizations, businesses and state and local governments. We realize that TWWIIA must work in the lives of real people. Together we can make this new law provide opportunities and possibilities for individuals with disabilities.

Susan M. Daniels

## FROM THE ASSOCIATE COMMISSIONER FOR EMPLOYMENT SUPPORT PROGRAMS:

I am pleased to provide a few thoughts to our readers for this special edition of DISABILITY NOTES. I am also very excited about being able to work with so many of you in the disability community to make real the changes envisioned by Congress in the Ticket to Work and Work Incentives Improvement Act (TWWIIA) of 1999. The implementation of these new provisions will be the work of many people--both inside and outside the Social Security Administration (SSA). We can be successful in this implementation if all the responsible parties shoulder their part of the work. The ultimate outcomes of a successful implementation are more opportunities for people with disabilities to work at good jobs for good pay and better service for those who are going to work.

Last year, Commissioner Kenneth Apfel announced the creation of a new office at SSA---the Office of Employment Support Programs (OESP)--to serve as the focal point for improving employment services to our disability beneficiaries. As Associate Commissioner of the new office, much of my responsibility has been to set up this new component and develop a readiness to lead the implementation of the TWWIIA. Now that the new law has been enacted, we in OESP are working with the other parts of SSA, with our many partners in other agencies and in the disability community to lead and coordinate the many facets of full implementation.

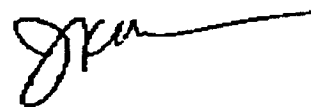
In this special edition I would like to share information about TWWIIA by discussing the five key components of TWWIIA and what we are doing to implement this new law:

1. The Ticket to Work and Self Sufficiency
2. Expanded availability of Health Care Services
3. Work Incentive Enhancements
4. New Work Incentive Programs
5. Demonstration Projects and Studies

This is a good first step in beginning the major task of implementing this important piece of legislation.

We expect to be able to meet the requirements and the ambitious timeframes in the TWWIIA. One thing I would like to highlight as we go about the business of implementation--we intend to get as much stakeholder input and advice as possible. Because the provisions of TWWIIA are so important to people with disabilities, it is critical that we craft the policies and programs in an inclusive manner. Our OESP staffers are spending much of the time during the early weeks of this year listening and talking to stakeholders in a variety of settings. Of course, many of the new provisions will appear in proposed regulations, offering the public full opportunity to comment. In the meantime, anyone who wishes may provide input to us on any of the features of the legislation. In addition to the avenues for input mentioned elsewhere in DISABILITY NOTES, my E-mail address is [ken.mcgill@ssa.gov](mailto:ken.mcgill@ssa.gov).

I look forward to working with many of you in the months ahead as we take on the challenge of fully implementing the TWWIIA.



J. Kenneth McGill

## THE TICKET TO WORK AND SELF SUFFICIENCY

Under this "Ticket" program, Social Security and Supplemental Security Income (SSI) beneficiaries with disabilities will receive tickets that they can take to an approved service provider of their choice, called an "employment network." The employment network can be a private organization or public agency that agrees to work with the SSA to provide vocational rehabilitation, employment, and other support services to assist beneficiaries to go to work and remain on the job. When the employment network agrees to provide these services, it will decide whether it wishes to receive outcome payments for months in which a beneficiary does not receive benefits due to work activity (up to 60 months), or reduced outcome payments in addition to payments for assisting the beneficiary to achieve milestones connected with employment. If a State vocational rehabilitation agency agrees to serve as an employment network, it can also decide on a case-by-case basis if it would prefer to receive reimbursement under the current system for reasonable and necessary services they provide to the beneficiary, or to receive outcome or milestone and outcome payments.

The Ticket program will be phased in nationally over a three-year period beginning on January 1, 2001. During the first year of operation, the Ticket program will be available to beneficiaries in some states (to be determined). SSA will then expand the Ticket program to other parts of the country over the next three years. By January 1, 2004, we expect the Ticket program to be operating nationally.

## EXPANDED AVAILABILITY OF HEALTH CARE SERVICES:

The new law also includes several improvements to Medicare and Medicaid coverage that will be effective on October 1, 2000. These improvements will eliminate some of the barriers that require people with disabilities to choose between health care coverage and going to work:

- The new law extends Part A Medicare coverage for an additional 4-½ years for working Social Security disability beneficiaries. This is in addition to the current law provision of free Part A Medicare coverage for 4 years after a Social Security beneficiary with a disability goes to work.
- The new law allow workers with disabilities who are covered under Medicare to suspend Medicare supplemental policies while they are covered by group health insurance plans that are provided by their employers, and to regain coverage under their Medicare supplemental policies if they lose coverage under these group health plans.
- The new law expand state options and funding for Medicaid. These options will permit States to liberalize the limits on resources and income for Medicaid eligibility for people with disabilities. They will also allow the States to permit an employed individual with a disability to buy into Medicaid, even though the individual is no longer eligible for Social Security or SSI benefits because his or her medical condition has improved.
- The new law requires the Secretary of the Department of Health and Human Services (DHHS) to award grants to States to develop and operate programs which will support working individuals with disabilities and to let persons know about these new programs. These grants will begin in FY 2001, and \$150 million is available to fund the grants over the first five years with additional funding for another six years.

The Secretary of DHHS will also approve applications from States to conduct demonstration projects to provide Medicaid type coverage for working individuals with potentially severe disabilities. The demonstration projects will cover persons whose medical conditions are expected to meet the SSI definition of disability if the workers did not receive Medicaid services. The new law authorizes \$250

million to fund these demonstration projects over a five-year period.

## WORK INCENTIVE ENHANCEMENTS:

The new law contains improvements to work incentives to help people with disabilities go to work and continue working. These improvements include:

- Expedited Reinstatement of Benefits--Effective January 1, 2001, a former Social Security or Supplemental Security Income (SSI) disability beneficiary will be able to request reinstatement of his or her benefits if the benefits were terminated because the beneficiary went to work. To have the benefits reinstated, the former beneficiary will have to be unable to continue working because of his or her medical condition, and will have to file a request for reinstatement within 60 months from the month in which the previous benefits were terminated. The beneficiary will be able to receive provisional payments for up to six months while SSA is making a decision on whether he or she is still disabled under our rules. These provisional payments will not have to be paid back if SSA decides that the beneficiary's medical condition no longer meets our definition of disability.
- Changes to the Continuing Disability Review Process--Once the Ticket program begins on January 1, 2001, SSA will not conduct a continuing disability review of a Social Security or SSI beneficiary's medical condition while the beneficiary is using a Ticket to Work and Self-Sufficiency.

Beginning January 1, 2002, SSA will not conduct a continuing disability review of a beneficiary's medical condition because the beneficiary is working if the beneficiary has received Social Security disability benefits for at least 24 months. SSA must still conduct regularly scheduled medical reviews, unless the beneficiary is using a Ticket to Work and Self-Sufficiency.

In either case, the existing rules for suspending benefits because of earnings amounts will apply. Thus, for SSI, earned

income rules for reducing benefits would apply, and for Social Security disability insurance (SSDI), rules for determining substantial gainful activity would apply.

## NEW WORK INCENTIVE PROGRAMS:

The new law also creates a number of other programs to assist people with disabilities go to work. These include:

- Establishment of a work incentive specialist corps within SSA to provide accurate information regarding SSDI and SSI work incentives. SSA has established a new Employment Support Representative position that will be tested soon in a number of locations. This new position will continue to be expanded nationally after the current testing phase is complete.
- Establishment of a community-based work incentive planning and assistance program. This will be accomplished through a program of grants, cooperative agreements, or contracts with private and/or public organizations in each state to provide benefits planning and assistance to beneficiaries to assist them to go to work.
- Providing grants to the protection and advocacy systems in each of the states to provide information, advice, advocacy, and other services to beneficiaries with disabilities.
- Establishing a Work Incentives Advisory Panel within SSA to provide advice to the Commissioner of Social Security and Congress on work incentives, including the implementation of the Ticket to Work and Self-Sufficiency program. The panel will consist of 12 members appointed by the President and Congress. At least half of the Panel members must be individuals with disabilities, or representatives of such individuals, with consideration given to current or former disability beneficiaries. This Panel will convene in 2000 with a life span of eight years.

## DEMONSTRATION PROJECTS AND STUDIES:

The new law also gives SSA the authority for five years to conduct demonstration projects to improve Title II work incentives. In particular, the new law requires SSA to conduct a demonstration to evaluate the effects of withholding \$1 of Social Security disability benefits for every \$2 a beneficiary earns over a specified level. SSA is also authorized to conduct other demonstrations or studies of work incentives for beneficiaries. The new law requires SSA to submit periodic reports to Congress regarding the progress and effectiveness of these demonstration projects.

## IMPLEMENTATION OF TWWIIA:

Implementation of this new law will require a number of activities by SSA:

- We are currently providing updated information on this important new law through our website, [www.ssa.gov/work](http://www.ssa.gov/work), to ensure that this information is available to the public, and in particular to people with disabilities who wish to become employed.
- We are working with the Health Care Financing Administration (HCFA) to identify beneficiaries who will be eligible for the extension of Medicare entitlement in October 2000, and we'll notify these beneficiaries of their right to this extended entitlement. We are also working with HCFA to assist in their development of policies and grants to the states for increased Medicaid entitlement for persons with disabilities who are working.
- During the early part of this year, OESP staff are obtaining input from a variety of individuals and stakeholders to assist us in drafting a business process. We are listening to their input on issues involving the new legislation at meetings and discussions with representatives from federal, state, and

local agencies, private and public providers of employment and rehabilitation services, and consumers of these services. Interested parties can also provide recommendations for implementation of the new legislation through E-mail and other media. Our E-mail address for these comments is [ttwwiia@ssa.gov](mailto:ttwwiia@ssa.gov). This process will continue throughout the development of policies, procedures, and structures.

We will use this information in drafting proposed rules for the Ticket program that will be published in the Federal Register later this year. Copies of the proposed rules will also be available for review on our website. Interested parties will be able to give us comments on the proposed rules. After considering these public comments, we will publish final regulations to implement the Ticket program by December 2000.

We also will be publishing proposed and final rules to implement the other provisions of the legislation, as they become effective in 2001 and 2002.

- We will be approving agreements with employment networks to provide services to assist beneficiaries to go to work. We also will issue a Request for Proposal to contract with a program manager or managers, as provided by the new law, to assist us in operating the Ticket program.

We also will be announcing our plans to award grants/contracts to begin the benefits planning and protection and advocacy programs for social security beneficiaries.

Announcements about these new programs will be available for review on our website when they are issued.

- Recommendations of individuals for membership on the Work Incentives Advisory Panel can be provided by E-mail to [ttwwiia@ssa.gov](mailto:ttwwiia@ssa.gov). We are providing staff support in preparation for nominations by the President and the House and Senate leadership.

## EDITOR'S NOTE

The Office of Disability at the Social Security Administration publishes *DISABILITY NOTES*. It is distributed free of charge to readers interested in the disability program both within Social Security and in external agencies/organizations. It is intended to be informational and not an official expression of policy. Readers may reproduce all or part of this publication for further dissemination.

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## IN SEARCH OF...YOUR IDEAS AND MATERIALS

This newsletter is your newsletter. We welcome your articles, letters to the editor, comments, or suggestions for improvement. Many of your past suggestions have been implemented. Please submit the ideas or materials to:

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